

STRICTURES

ON

RELIGIOUS TESTS,

WITH

SPECIAL REFERENCE

TO THE

LATE REFORM CONVENTION.

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## TO THE READER.

In writing these **Strictures**, the author was less disposed to consult systematic arrangement and exactness of style, than force of argument and clearness of diction. The pamphlet is designed for general circulation; and though captious critics may fault some portions of the composition, entire confidence is expressed that the reasoning cannot be answered, nor the conclusions set aside.

The writer need scarcely protest, that his object is not to give offence, although he uses “great plainness of speech”—but to communicate information to many, and to be of some service to all who may read the **Strictures** which a sense of duty impels him to publish.

## RELIGIOUS TESTS.

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The "laws agreed upon in England," in the year 1682, for the government of the province of Pennsylvania, declared, that "all witnesses, coming or called to testify their knowledge in or to any matter or thing in any court, or before any lawful authority within the said province, shall there give or deliver in their evidence or testimony, by solemnly promising to speak the truth, the whole truth, and nothing but the truth, to the matter or thing in question," §34; and that "all persons living in this province, who confess and acknowledge the Almighty and eternal God to be the creator, upholder, and ruler of the world, and that hold themselves obliged in conscience to live peaceably and justly in civil society, shall in no ways be molested or prejudiced for their religious persuasion or practice in matters of faith and worship," §35.

In the "Charter of Privileges," granted by William Penn in 1701, we find the following provisions: "No person or persons inhabiting in this province or territories, who shall confess and acknowledge one Almighty God, the creator, upholder, and ruler of the world, and profess him or themselves obliged to live quietly under the civil government, shall be in any case molested or prejudiced in his or their person or estate, because of his or their conscientious persuasion or practice.....And all persons who also profess to believe in Jesus Christ, the Saviour of the world, shall be capable (notwithstanding their other persuasions and practices in point of conscience and religion) to serve this government in any capacity, both legislatively and executively," &c.

The Provincial Conference, assembled in June, 1776, for the purpose of making preliminary arrangements for a convention to frame a Constitution for Pennsyl-

vania, "Resolved, That no person elected as a member of Convention, shall take his seat, or give his vote, until he shall have made and subscribed the following declaration: 'I — — — do profess faith in God, the father, and in Jesus Christ, his eternal son, the true God, and in the Holy Spirit, one God blessed for evermore; and do acknowledge the holy scriptures of the old and new testament to be given by divine inspiration.' "

In the "Declaration of the rights of the inhabitants of the Commonwealth or State of Pennsylvania," adopted by the Convention, September 28, 1776, we find the following item: "Nor can any man who acknowledges the being of a God, be justly deprived or abridged of any civil right as a citizen, on account of his religious sentiments, or peculiar mode of religious worship."

In the "Plan or Frame of Government," adopted by the same Convention, section 10, referring to the House of Representatives, provides, that "each member, before he takes his seat, shall make and subscribe the following declaration, viz: 'I do believe in one God, the creator and governor of the universe, the rewarder of the good and punisher of the wicked, and I do acknowledge the scriptures of the old and new testament to be given by divine inspiration.' And no further or other religious test shall ever hereafter be required of any civil officer or magistrate in this state."

These provisions were abolished by the Convention of 1790, and the Constitution was so amended as to declare, that "no person who acknowledges the being of a God, and a future state of rewards and punishments, shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this commonwealth." Article IX. §4. From that date hitherto, this has constituted, and still is, an item in the fundamental law of the land.

The late Reform Convention was memorialized by a large number of citizens, of all political parties and

of all religious denominations, praying that the Constitution of this Commonwealth may be so amended as to provide, that "the civil rights, privileges or capacities of any citizen shall in no way be affected, diminished, or enlarged, merely on account of his religious opinions." An amendment, in these words, was presented by a delegate from Philadelphia county—and negatived; and the Convention subsequently negatived the following amendment, proposed by a delegate from Susquehanna county: "No person who acknowledges the being of a God, and owns his accountability to the Supreme Being, shall, on account of his religious sentiments, be disqualified to give evidence, or to hold any office or place of trust or profit under this Commonwealth."

I am confident that a majority of the Convention were personally favorable to the adoption of this amendment; and if it be inquired why they voted against it, I present the following as among the reasons which might be assigned: 1st. Some of the delegates were virtually pledged to oppose *any* amendment, and others not thus pledged in the outset, voted on certain other questions in such a way as, in their judgment, to demand a similar vote on the subject now under consideration. 2nd. Some of the delegates, in voting affirmatively on several questions, gave as the reason, that they were so instructed by their constituents—and in voting negatively on certain other questions, they stated that their constituents had not given them any instructions on the subject—whence they inferred their duty to oppose any change in the existing provisions. 3rd. Many of the delegates were men of standing in the political world, and doubtless they desired a continuance and increase of their popularity. In this desire there was nothing censurable—but if some of them did not vote for the amendment because they feared the opposition (or voted against it because they sought the influence) of religious zeal among their constituents, their conduct cannot be too severe-

ly reprobated. 4th. Most of the delegates were men of good sense, and I consider it impossible for any such person dispassionately to examine either of the proposed amendments, in all its bearings, and oppose it *independently of extraneous considerations*. By this I mean, that were either of the proposed amendments carefully investigated as a question in morals, unbiassed by personal hope of gain or fear of loss in the issue, or other considerations foreign to the question, no man of sound mind would be opposed to it. Hence I infer, that either lack of acquaintance with the subject, or the influence of extraneous considerations, or both, were the causes of the rejection of the amendment by a majority of the Convention.

Before I proceed directly to the matter in hand, I take occasion to remark, that the existing clause in our Constitution does not, and cannot affect me, individually, in any respect—for, though it declares that no one who “acknowledges the being of a God, and a future state of rewards and punishments, shall, on account of his religious sentiments, be disqualified to hold office,” it does not declare that those who do *not* thus acknowledge *shall be* disqualified; and an eminent attorney, a member of the Convention, expressed to me his opinion, that the clause was merely designed to *prohibit* the legislature from prescribing *any* religious test, even in relation to those who do *not* acknowledge the being of a God and a future state of rewards and punishments—and such is grammatically the import of the language. And besides: neither the Calvinist nor the Arminian believes in “a future state of *rewards*” for *the deeds* of this life—but, giving *their own interpretation* to the words, they profess to believe in *a future state of rewards of GRACE*. I know not why a privilege should be denied to any man which is allowed to them—and hence, on the same general grounds, I acknowledge a future state of rewards and punishments. The same remarks apply to

the *common law* in reference to the competency of witnesses. (Note A.)

But the question may arise, "Why then do you fault the Convention for not adopting the proposed amendment?" I answer, 1st. Because I am not selfish, and I know that many citizens of this Commonwealth are oppressed by existing rules of law, on account of their abstract opinions; 2d. Because all religious tests defeat the object contemplated in their adoption;—3rd. Because ours is a civil government, instituted for the protection of the civil rights of every citizen, without respect to religious opinions; 4th. Because every religious test is virtually *a creed*, and as such is contradictory of the spirit of our free institutions; 5th. Because I am opposed to the amalgamation of church and state; 6th. Because every religious test is in effect a bounty on hypocrisy; 7th. Because abstract opinions are a false and pernicious standard of qualification to any station of trust; and 8th. Because the wisest and best statesmen of this or any other country, have pronounced their deliberate judgment against any and every religious test.

In discussing this subject, I shall not regard the preceding arrangement of reasons—but shall introduce a few of them, whenever fit opportunity presents, in reviewing the arguments urged against the adoption of the proposed amendment.

The opponents of the measure in question, relied chiefly on the supposed wholesome operation of the existing religious test, and the alleged mischievous tendency of the abolition thereof. Hence said a prominent opponent of the proposed measure, "*By adopting this amendment, you would cut loose every thing which renders man safe in society.*" As this sentence embodies the entire argument of prophecy on this subject, I feel justified in considering it *the text*, and shall proceed in the commentary to show that the prediction is but "the baseless fabric of a vision."

In the first place, we may properly inquire, whether *principle* has but an ideal existence in the world?—Are we prepared to admit that our safety in society depends merely on the dread of punishment, either here or hereafter? Would our legislators frame mischievous laws were it not for a wholesome fear of the wrath of offended heaven? Would our judges pervert justice and wink at and encourage iniquity, in the administration of the laws, were it not that they are restrained by apprehensions of the wrath of the Judge of quick and dead? Is it merely a dread of punishment, either temporal or eternal, that deters our attorneys from defrauding their clients, our physicians from poisoning their patients, and our pastors from deceiving their people? Questions of like tenor, may be multiplied at pleasure, and the obvious answer to each must contradict the notion, that our safety in society depends merely on the fear of punishment. I contend—and I should exceedingly regret to doubt—that *PRINCIPLE has an actual existence in the world.*—This is “the column of true dignity in man.” This is the foundation of our social fabric. This is that element in the human character on which the Supreme Divinity looks with peculiar delight. This is the glory of the Christian. This is the crown of the rejoicing of the just. And I unhesitatingly affirm that there is not a professing Christian, there is not an honourable man, in the length and breadth of the land, who would not feel insulted were he told that he refrains from evil only because he fears the punishment of crime.

But it may be urged that the adoption of the proposed amendment would cut loose every thing which guards society against the villainy of men who are destitute of principle, and who are restrained only by fear of future punishment.

I reply, that the amendment did not contemplate *conferring office* on *any* man—but merely referred to *eligibility to office*. There are thousands of miserably corrupt and vicious men in community who

profess to believe in a future state of rewards and punishments—and this profession of faith renders them constitutionally eligible to any office, notwithstanding their known depravity. But *being eligible* to office, and *being elected* to office, are two distinct matters.—Is the safety of society endangered by the implied constitutional declaration, that a profane, ignorant, notorious drunkard and swindler, who “acknowledges the being of a God and a future state of rewards and punishments,” is qualified to hold any office or place of trust or profit under this state? Plainly not—because it is presumed that such an individual could never obtain a majority of the suffrages of a virtuous and intelligent community. For similar reasons, I conclude that the safety of society would not be endangered by declaring every man eligible to office, whatever be his character, mental qualifications, or religious opinions. I am disposed to submit the decision to the people, in their electoral capacity. The merits and demerits of all candidates for office, are canvassed in the public prints and elsewhere; and the matter is decided at the ballot-box. This is true democracy; and the legislative and executive branches of the republican government thus constituted, are responsible to the people for the exercise of the authority conferred to legislate for the commonwealth and to execute the laws. But our constitution declares, in effect, that though the moral character of a citizen be unimpeachable, and his intellectual endowments unsurpassed, he shall not hold any office, *even should he be unanimously elected by the people*, unless he acknowledges certain items of a religious creed! Invert the order of affairs—suppose the same man baptized in the stagnant pool of iniquity, and by dissipation paralyzed in intellect, until he is well-nigh idiotic—induce him to acknowledge the requisite items of faith; and then Article IX, Section 4, of the Constitution of Pennsylvania, will be inscribed on his forehead, declaring him eligible to any office or place of trust or profit under this

great Commonwealth! If this be not straining out a gnat, and swallowing a camel, my judgment in the premises is very much in fault.

But I am reminded that the amendment proposed rendering every man competent as a witness; and the text is urged, that this "would cut loose every thing which renders man safe in society." I reply, that the *competency* and *credibility* of any man as a witness, are as distinct matters, as are *being eligible* to office, and *being elected* to office. The amendment neither said nor implied, that *any* man shall be *credible* as a witness—but merely referred to *competency* as a witness. Hundreds of profane swearers, drunkards, gamblers, and other vile persons, are annually permitted to testify in our courts, under oath or affirmation—and even notorious liars, and those who receive the hire of iniquity, are admitted; and though respectable citizens may be summoned to testify that they would not accredit such persons under oath, this does not affect their *competency*, but merely their *credibility*. Does the mere *competency* of such witnesses, require the judges and jury to *accredit* their testimony? Plainly not. The previous moral character of the witness, his interest to swerve from the truth, the degree of clearness and connexion in his evidence, its correspondence or discordance with other testimony—these and other considerations are taken into the account. If the safety of society be not endangered by the *abstract competency* of such persons as witnesses, it is unreasonable to apprehend danger from acknowledging a like *competency* to every citizen of the state, the question of *credibility* being submitted to the constituted authorities. Inasmuch, therefore, as the proposed amendment referred to *competency* only, and not to *credibility*, the prophecy of evil consequences must be set aside.

Moreover, it can easily be shown that were every one rejected as a competent witness who does not acknowledge "a future state of rewards and punishments," the consequences might prove disastrous in

the extreme. There are thousands of Christian professors, who, though they hold as a fundamental article of faith, that God "will render to every man according to his deeds," do not acknowledge that immortality is a state of retribution for the deeds of this life. In intelligence and correct moral deportment, they will not suffer in comparison with any equal number of persons in this or any other community under heaven. (Note B.)

Suppose a band of lawless ruffians should assail a family of this description: the father is murdered in cold blood—the sons are pinioned—the daughters are violated—the house is pillaged! The wretches are subsequently seized, and brought to trial. The judge and jury and an outraged community are perfectly satisfied of the guilt of the prisoners—but the only witnesses are the surviving members of the injured family. They are known to be irreproachable in life and conversation—they are prized as among the worthiest of the worthy—they solemnly and positively aver that the prisoners perpetrated the crimes alleged—but they are not competent witnesses in a court of law! and contrary to the conviction of his own mind, in violation of his sense of right, the judge is obliged to set at liberty, "unwhipped of justice," the diabolical authors of most atrocious deeds of violence and blood!! And yet certain advocates of equal rights, certain conservators of the public morals, stand up in the midst of a virtuous and enlightened people, and prophecy, that to render every man *competent* as a witness, "would cut loose every thing which renders man safe in society!" I pity the ignorance in which the idea was conceived, and deplore the darkness which gave birth to the monstrous prediction.

In the preceding remarks, I have not noticed that part of the amendment which speaks of "accountability to the Supreme Being." I have reasoned on general principles, and the argument, in my judgment, covers the whole ground in controversy. But we

must not overlook the fact, that one of the amendments claimed nothing for those who do not acknowledge the Divine existence, nor for those who deny all responsibility to the Almighty. But it provided against the evils of disqualification to hold office, and incompetency as a witness, for every person who "acknowledges the being of a God, and owns his accountability to the Supreme Being." Universalists uniformly declare that their creed has no existence independently of these two points of doctrine. They teach that "he that doeth wrong shall receive for the wrong he hath done," and that there is no possibility of escape from the just judgments of God. And it is the *certainty*, rather than the *severity* of punishments, (as all writers on criminal jurisprudence contend) that imposes the greatest restraint on the vicious propensities of mankind. It is, in the first place, the expectation of happiness in sin, and in the second, the expectation of escaping the punishment due to transgression, which prompts men to a violation of law, whether human or divine. A moment's reflection will produce the conviction, that were every person who contemplates the violation of any precept, whether of God or of society, *positively sure* that he would be detected and punished, without the prospect of escape, our prisons would moulder into ruins, and our criminal courts be dissolved. But while men are deceived by the allurements of sin, and beguiled with the hope of evading the awards of demerit, we owe the safety of society less to the fear of a future state of punishment, than to the influence of *principle*, and *conscience*, with some; *self esteem*, and the sentiment of *honor*, with others; the fear of losing the favor and incurring the disapprobation of the wise and good, with a third class; and with a fourth, (the most degrading of all,) the dread of incurring the punishments decreed by society as the just penalties of crime!

If it be alleged, that merely an acknowledgment of accountability to the Supreme Being does not furnish

a guaranty of fidelity in the individual as a public officer, nor of adherence to truth as a witness, I need only reply, that neither is such guaranty furnished by an acknowledgment of faith in a future state of rewards and punishments. There are multitudes of men who make the latter acknowledgment, who are nevertheless confessedly unworthy of confidence in any station or respect; yet the Constitution declares that their unworthiness shall not disqualify them to hold any office or place of trust! And this leads me to speak particularly of the immoral tendency of the religious test commented on.

I presume it will be admitted, that whatever tends to destroy all distinction between virtue and vice, is opposed to the interests of religion and morality—specially will it be admitted that all enactments which, under any circumstances, grant privileges and immunities to the vicious which are denied to the virtuous, are directly at war, as well with the religion of our blessed Saviour, as with the interests of society and the dictates of enlightened policy.

It will also be admitted, without doubt, that the spirit of our holy religion does not sanction any enactment which has a tendency to induce hypocritical profession of faith. If there was any one sin which was specially reprobated and condemned by the Son of God, that sin was hypocrisy. And that such enactment is exceedingly impolitic, apart from the religious consideration, will presently appear.

The religious test in our Constitution has no reference, even the most distant, to *moral character* or *mental qualification*. It merely requires *an abstract profession of faith*. I have already amplified the point, that the most worthless, abandoned wretch is eligible to any office or place of trust in the Commonwealth, *provided he professes to believe according to law*; and that a man of the purest moral character, and of superior talent, who “acknowledges the being of a God and owns his accountability to the Su-

preme Being," is disqualified to hold any office, if he does not profess to believe in "a future state of rewards and punishments." This is not merely an imitation of the sin of the wicked priests mentioned in holy writ, who violated the law of God in "putting no difference between the *clean* and the *unclean*," Ezek. xxii. 26, but it is far worse—it makes a difference in favor of the latter!

And wherein consists the advantage? The *object* was, to exclude *bad men* from office, and to fill all stations of trust and profit with "*good men and true*." But the means adopted were inadequate to the end. The benefit contemplated is defeated by the means chosen to secure it. Instead of constituting *moral character* the test, a test was sought in mere *profession of faith*—and thus was tendered A CONSTITUTIONAL BOUNTY ON HYPOCRISY! Admitting for the sake of the argument, that faith "in a future state of rewards and punishments" more effectually incites to virtue and restrains from crime, than faith in strict accountability to the Supreme Being in the present life—by what means can we determine who believes the former and who the latter sentiment? The Constitution requires mere *acknowledgment* of faith in the former doctrine, and thus, in addressing those who believe the latter, it tenders eligibility to all stations of trust and profit as the price of *hypocritical profession*! And who, among all persons thus addressed, are declared disqualified to hold office? I answer, those only who *will not profess* what they *do not believe*! those only who evince their fitness to be trusted, by refusing to sell the birth-right of conscience for a mess of political pottage! Consequently, religious tests defeat the object contemplated in their adoption.

The like argument may be introduced on the question of competency to testify as a witness. In this case, as in the former, profession of faith is all that is required, and men are proffered the most desirable privileges in return for an acknowledgment *with the lips* of that

which is denied *in the mind*; and the very means which the wisdom of the world has adopted to render men *competent* witnesses *in law*, naturally tend to render them *incredible* in fact!

But let us pursue the subject in the way of illustration. A man of infamous character is brought into court as a witness. Some of our most reputable citizens come forward, and, being interrogated, declare, that the witness is a proverbial liar; that they would not believe him under oath; that they would not trust him to any amount, however small; and that he is a nuisance in society. But the miserable creature “acknowledges the being of a God and a future state of rewards and punishments,” and he is pronounced a competent witness! His character evinces that, *whatever may be his opinions*, he is destitute of principle and alien to a good conscience—devoid of self-esteem and unacquainted with the sentiment of honor—reckless of the censure of the wise and good; and only restrained from high handed crime by fear of the strong arm of the law. He is known to be unworthy of the slightest credence; yet the law pronounces him “a steady, sturdy, staunch believer,” and he is sworn to tell “the truth, the whole truth, and nothing but the truth!”

Another witness is presented. The same reputable citizens before mentioned, testify, that they have known him intimately for many years, during the whole of which time he has conducted himself well; that his veracity is undoubted; that they would unhesitatingly receive his word as sufficient proof of any fact, or as security for any amount of money; and that he is, in all respects, a worthy and useful citizen. On inquiry being made by the court, this citizen solemnly declares that he “acknowledges the being of a God and owns his accountability to the Supreme Being,” but that he does not *acknowledge*, because he does not *believe*, in “a future state of rewards and punishments.” Immediately the Judge *in effect* responds, “I believe

your word—I am satisfied that you believe what you profess—but *you are too HONEST a man to testify in a court of justice!* The common law condemns your opinions, and pronounces you an incompetent witness!!”

The jury, and all the spectators instantly perceive that this man’s legal incompetency to tell the truth under oath, is predicated of the confidence reposed in his mere word! and that nothing debars him from testifying in a court of law, excepting his *well known veracity!* Forthwith a prophet arises in the assembly, and declares, that so to amend the Constitution as to change this state of affairs, would be to “cut loose every thing which renders man safe in society!” That is, the legal testimony of common liars, who are not believed under oath, contributes to the safety of society; while hundreds of honest and worthy citizens, whose bare word is believed, must be declared incompetent witnesses, lest the public morals should be corrupted, justice perverted, religion contemned, and the government overthrown!!

Again: Admit, for the sake of the argument, that certain opinions legitimately tend to corruption of morals; and that he who holds them is, on this account, utterly unworthy of confidence in any station. In what way, by what means, can individuals and society be most effectually guarded against the evils consequent of the aforesaid opinions? I answer—not by holding out inducements for concealment—not by enacting penalties against open acknowledgment of real conviction,—but by constitutional declaration, that merely abstract opinions shall not in any way effect the civil capacities of any citizen. In this case, although there would doubtless still be hypocrites in the land, their hypocrisy would not be chargeable to the laws, and we should be delivered from the evils which must ever flow from granting privileges to men as a virtual reward for concealing their real sentiments. If there be a man in community whose opinions have destroyed,

or tend to destroy, his sense of responsibility to the Supreme Being, or in any way to corrupt his morals, I wish to know who he is, that I may be on my guard. "Fore-warned, fore-armed." And if I were compelled to choose one of two evils, I should rather recompense such an one for professing his real sentiments, than to offer him any inducement to conceal or deny them. In my judgment, therefore, religious tests tend rather to endanger than to promote the interests of society.

There is another view of the subject which the opponents of the measure appear not to have considered. Who will pretend that belief is a voluntary matter? Who will pretend that any man can believe or disbelieve at pleasure? Were I threatened with immediate death, in the most appalling form, in case I would not disbelieve the existence of Almighty God, the rewarder of the virtuous and the punisher of the vicious, *I could not disbelieve*. Nay, were all the terrors of infinite wrath presented to my mind as the penalty of believing that religious tests are unjust, impolitic and oppressive, I could not disbelieve. Let the reader examine this argument, and he will be satisfied that it is not liable to any sound objection. And since belief is involuntary, it is manifest that religious, or any other description of tests, operate not against the *formation*, but merely against the *publication* of opinions. The formation of them is involuntary—the publication of them is a matter of choice.

Suppose an item were introduced into our Constitution, declaring that those only shall be qualified to hold office who disbelieve the Copernican system of astronomy. Doubtless there are many who would find it convenient to have a *constitutional conscience*; and in order to remove disqualification to office would act as did Gallileo when he had the choice of recantation of what he believed, or imprisonment and perhaps death! If it be said, that there is nothing dangerous in a belief of the Copernican theory—I reply, the Pope

thought differently. He thought it contradicted the Bible, and he was determined to prohibit the avowal of it, as a dangerous heresy. But suppose our fundamental law prohibited every man from holding office, or from giving evidence under oath, who believes the exploded Ptolemaic theory. Would any philosopher deem this a judicious measure? Would he laud the majority of a Convention by which this item was adopted? Nay, would he not pity them as an assembly of ignorant men, for admitting by implication that the science of astronomy needs the support of the civil government, and that errors in philosophy must be crushed by the arm of the law? He would say, "You know nothing of the principles of true philosophy, if you suppose they require extraneous aid to secure their triumph. You are unacquainted with the laws of the human mind, if you suppose that a man can choose to believe without evidence, or to disbelieve in spite of sufficient evidence. As scientific men, we ask nothing but fair play—and we therefore pray that the government would desist from legislating on the abstract truths of philosophy."

Similar to this is the language of the truly enlightened Christian. He does not fear investigation. He does not seek constitutional sanction of his faith. He does not ask civil disabilities for those whom he believes have erred from the truth. He wishes no one to be a hypocritical professor of the holy religion of the Son of God. His language is, "The virtue, the intelligence, the deep religious feeling of the mass of the people, will keep corrupt men out of office, and the testimony of such men will not be accredited under any circumstances. Our weapons are the weapons of truth, of argument, of charity. They are mighty through God to the pulling down of strong holds. The kingdom of our Lord is not of this world—and therefore we protest against any governmental interference with religious opinions. Such interference once persecuted the Quakers of New England, even unto death,

and expelled the Baptists from Massachusetts. Like interference had previously exiled the authors of these persecutions from the land of their fathers across the great waters. Similar interference prohibits Jews from holding office in Massachusetts and Maryland; and excludes Roman Catholics, Jews, and all non-professors of religion from any station of trust in New Jersey—and these facts admonish us to beware how we violate the golden rule—‘Do unto others as you would that others should do unto you.’”

But let us turn our attention from the argument of reason to the *argument of fact*. In the year 1787, the Constitution of the United States was framed and signed in the venerable hall in which independence was declared in '76. Among the members of that illustrious Convention, may be named GEORGE WASHINGTON, *President*, JAMES MADISON, ALEXANDER HAMILTON, BENJAMIN FRANKLIN, THOMAS MIFFLIN, and many other wise and good men. Article VI, Section 3, of that Constitution declares, that “*no religious test shall ever be required as a qualification to any office, or public trust, under the United States.*”— Yet, a little more than fifty years after the adoption of this provision, a special guardian of community arose in a Convention called for the purpose of proposing amendments to the Constitution of Pennsylvania, and, with his face toward Independence Hall, declared substantially, that the statesmen of 1787 “cut loose every thing which renders man safe in society!” The groves of Mount Vernon are silent, and the voice of Franklin is not heard in the land of the living. The counsels of Madison, and Hamilton, and Mifflin, and other worthies of the olden time, are uttered no more—but their wisdom and virtues are embalmed in the grateful recollections of those who appreciate their worth—and they stand not in need of *my* humble efforts in the way of defence. If a *wiser* and *better* than *they* is in our midst, let us transfer to *him* the reverence we feel for *them*.

But what evils have resulted from the prohibition of a religious test in the Constitution of the United States? Is any man less safe as a citizen of the Union, than as a citizen of this commonwealth? Have the Governors of Pennsylvania been more intelligent, more virtuous, more worthy of confidence, than the Presidents and Vice Presidents of the United States? A man who, according to the Constitution of this State, is disqualified to hold office, is nevertheless qualified to hold any station of trust or profit under the general government—so that he whom the wisdom of Pennsylvania debars from being a *Constable*, is constitutionally qualified to hold the office of *Chief Justice of the United States*—nay, he is eligible to the still higher station of *PRESIDENT*! Yet the prediction is still sounded in our ears, that were we so to amend the Constitution of Pennsylvania as to make it conform to the Constitution of the United States, we would “cut loose every thing which renders man safe in society!”

The Constitutions of seven states of the Union contain a religious test, as a qualification to office,—viz. Maryland, Massachusetts, Mississippi, New-Jersey, N. Carolina, Pennsylvania, and Tennessee. Is society safer in these states, than in the nineteen states which do not sanction any religious test? (Note C.) Let us take Virginia as an example.

The Constitution of Virginia of 1777 did not contain any religious test; but this silence on the subject was not considered sufficiently expressive. The celebrated bill on the Freedom of Religion, drafted by THOMAS JEFFERSON, was enacted into a law by the Legislature of 1785—providing, among other matters, that “no man shall be compelled to frequent or support any religious worship, place or ministry whatever; nor shall any man be enforced, molested, or burthened, in his body or goods, or otherwise suffer, on account of his religious opinions or belief; but all men shall be free to profess, and by argument to

*maintain, their opinions in matters of religion, and the same shall in no wise affect, diminish or enlarge their civil capacities."*

The Convention of 1830, called for the purpose of amending the Constitution of 1777, adopted this clause of the bill on the Freedom of Religion, annexing thereto the prohibition, "and the legislature shall not prescribe any religious test whatever."

That Convention was composed of Ex-presidents MADISON and MONROE, Chief Justice MARSHALL, Governor GILES, B. WATKINS LEIGH, P. P. BARBOUR, LITTLETON TAZEWELL, JOHN RANDOLPH, and other illustrious sons of Virginia. The amendments above mentioned, were UNANIMOUSLY ADOPTED. And was there no one present to arise, and say, "*You have cut loose every thing which renders man safe in society?*" Not one—not one! The same hand that penned the DECLARATION OF INDEPENDENCE *wrote the specified amendment*, and it was *unanimously adopted* by a Convention which, in intelligence, discernment, and purity of purpose, will not suffer in comparison with any body of men that was ever assembled since God made the world!

But let us inquire into the consequences of this measure. Will any one pretend that the government of Virginia is less judiciously administered than is the government of Pennsylvania? or that her legislature and judiciary are not so pure? or that her citizens are not so safe in their persons, reputation and estate, as are the citizens of this commonwealth?

I challenge the citation of a single instance in which evil has resulted either to individuals or to society from the policy of the enlightened statesmen of Virginia in relation to religious tests, or from the insertion of a similar clause in the constitution of any other state, or from the prohibition of a religious test in the Constitution of the United States. And I pledge myself to prove, by indubitable evidence, whenever properly requested, that some of the worthiest, most re-

spectable, and most reputable citizens of Pennsylvania, have been grievously oppressed by the operation of civil disqualification on the score of abstract opinions. The sage of Monticello rises up in judgment against *him* who prophesies evil as the result of amending the Constitution of this state in the particular referred to; *Madison, Monroe, Marshall*, and their illustrious compeers, unanimously join in the sentence of condemnation ; and the verdict is signed by the immortal **WASHINGTON.**

Sustained by the arguments of reason, justice, policy and fact, and strengthened by the deliberate judgment and action of such illustrious statesmen, I fear not the issue. Prejudice may for a season prevail against a righteous cause ; but principle and truth will eventually triumph—and in that glorious day, religious tests will be unknown in the State of Pennsylvania.

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#### APPENDIX.

Note A, page 7. Although I am satisfied that the grammatical import of Art. IX, §4, of the Constitution of Pennsylvania, is correctly stated in this paragraph, the reasoning presented is predicated of the supposition that the clause was inserted with a contrary intention.—Compare with Art. VI. §6, of the Constitution of Mississippi, and with Art. IX. §2, of the Constitution of Tennessee.

Note B, page 11. According to "Hayward's Religious Creeds and Statistics of every christian denomination in the United States," published in 1836, the Universalists number 314 preachers, 658 societies, and a population of 500,000. Since that date, there has been such an increase as to justify us in mentioning 400 as the number of preachers, at the present time, and 700 societies. The "Profession of Faith," adopted by the General Convention in 1803, is as follows: "Art. I. We believe that the Holy Scriptures of the old and new testament contain a revelation of the character of God, and of the duty, interest, and final destination of mankind. Art. II. We believe that there is one God, whose nature is love; revealed in one Lord Jesus Christ, by one Holy Spirit of grace; who will finally restore the whole family of mankind to holiness and happiness. Art. III. We believe that holiness and true happiness are inseparably connected; and that believers ought to be careful to maintain order, and practice good works; for these things are good and profitable unto men."

Note C, page 20. The subjoined are the items, in the several Constitutions, which mention the subject discoursed of in these pages. The states are arranged alphabetically for convenient reference.

**UNITED STATES.**—“No RELIGIOUS TEST SHALL EVER BE REQUIRED AS A QUALIFICATION TO ANY OFFICE, OR PUBLIC TRUST, UNDER THE UNITED STATES.” Art. VI. Section 3.

**ALABAMA.**—“The civil rights, privileges or capacities of any citizen, shall in no way be diminished, or enlarged, on account of his religious principles.” Art. I. §6.

**ARKANSAS.**—“The civil rights, privileges or capacities of any citizen, shall in no wise be diminished or enlarged on account of his religion.” Art. II. §4.

**CONNECTICUT.**—The Constitution of this state is silent on the subject of a religious test.

**DELAWARE.**—“No religious test shall be required as a qualification to any office, or public trust, under this state.” Art. I. §2.

**GEORGIA.**—“Nor shall any person be denied the enjoyment of any civil right, merely on account of his religious principles.” Art. IV. §10.

**ILLINOIS.**—“No religious test shall ever be required as a qualification to any office or public trust under this state.” Art. VIII. §4.

**INDIANA.**—“No religious test shall ever be required as a qualification to any office of trust or profit.” Art. I. §3.

**KENTUCKY.**—“The civil rights, privileges, or capacities of any citizen, shall in no wise be diminished or enlarged, on account of his religion.” Art. X. §4.

**LOUISIANA.**—The Constitution of this state is silent on the subject of a religious test. Officers elect are required to swear or affirm that they “will faithfully and impartially discharge and perform all the duties incumbent” on them, according to the best of their abilities, &c.

**MAINE.**—“Nor shall any religious test be required as a qualification for any office or trust under this state.” Art. I. §3.

**MARYLAND.**—“No other test or qualification ought to be required, on admission to any office of trust or profit, than such oath of support and fidelity to this state, and such oath of office, as shall be directed by this Convention or the Legislature of this state, and a declaration of belief in the christian religion.” Declaration of Rights, §35.

**MASSACHUSETTS.**—The Constitution of this state does not contain a religious test; but the oath of office embraces a declaration of “belief in the christian religion, and a firm persuasion of its truth.”—Chap. VI. Art. 1.

**MICHIGAN.**—“The civil and political rights, privileges and capacities of no individual, shall be diminished or enlarged on account of his opinions or belief concerning matters of religion.” Art. I. §6.

**MISSISSIPPI.**—“No person who denies the being of a God, or a future state of rewards and punishments, shall hold any office in the civil department of this state.” Art. VI. §6.

MISSOURI.—“No person, on account of his religious opinions, can be rendered ineligible to any office of trust or profit under this state.” Art. XIII. §5.

NEW HAMPSHIRE.—The Constitution of this state does not contain a religious test; and the oath or affirmation of office is similar to that of Louisiana.

NEW JERSEY.—“No protestant inhabitant of this colony shall be denied the enjoyment of any civil right, merely on account of his religious principles; but all persons, professing a belief in the faith of any protestant sect ..... shall be capable of being elected into any office,” &c. Section 19.

NEW YORK.—Officers elect are required to take and subscribe an oath or affirmation to support the Constitutions of the United States and of New York; “and no other oath, declaration or test shall be required as a qualification for any office or public trust.” Art. VI.

NORTH CAROLINA.—“No person who shall deny the being of God, [or the truth of the Protestant religion,] or the divine authority of either the old or new testaments, ..... shall be capable of holding any office, or place of trust or profit, in the civil department, within this state.” Section 32. The words in [brackets] were stricken out a few years since.

OHIO.—“No religious test shall be required as a qualification to any office of trust or profit.” Art. VIII. §3.

PENNSYLVANIA.—“No person, who acknowledges the being of a God and a future state of rewards and punishments, shall, on account of his religious sentiments, be disqualifiad to hold any office or place of trust or profit under this Commonwealth.” Art. IX. §4.

RHODE ISLAND.—“No person within the said colony, at any time hereafter, shall be any wise molested, punished, disquieted, or called in question, for any differences in opinion in matters of religion, who do not actually disturb the civil peace.” Charter, ¶ 4.

SOUTH CAROLINA.—“The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall, for ever hereafter, be allowed within this state to all mankind.”— Art. VIII. §1.

TENNESSEE.—“No religious test shall ever be required as a qualification to any office or public trust under this state.” Art. I. §4; but Art. IX. §2, declares that “no person who denies the being of a God, or a future state of rewards and punishments, shall hold any office in the civil department of this state.”

VERMONT.—“Nor can any man be justly deprived or abridged of any civil right as a citizen, on account of his religious sentiments.” Art. III.

VIRGINIA.—“All men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and the same shall in no wise affect, diminish or enlarge their civil capacities; and the legislature shall not prescribe any religious test whatever.” Art. III. §11.